

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2021-002
January 6, 2021

SUBJECT: Declaration of a Second Public Emergency – Citywide Curfew

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020, D.C. Act 23-334, 67 DCR 12236; and Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, 2020-079, 2020-103, and 20220-127, it is hereby **ORDERED** that:

I. BACKGROUND

1. As the nation's capital, Washington, DC hosts hundreds of First Amendment demonstrations each year. As Mayor, I am proud of our city's long history of hosting these gatherings and of the peaceful exercise of our citizens' constitutional rights.
2. During the weekend of November 13-14, 2020, a number of individuals came to Washington, DC to exercise their First Amendment rights in support of the failed Trump reelection campaign. Although the country was in the midst of the COVID-19 pandemic, with more than 260,000 people having died from the disease, large numbers of participants failed to abide by District requirements to wear a face mask, maintain social distancing, and self-quarantine when arriving from other states with high rates of COVID-19 outbreaks. Although the majority of participants in the demonstration and counter-demonstrations were peaceful, a number of participants came to Washington, DC with the intent of engaging in physical altercations or vandalism. As a result, more than 20 people were arrested for weapons violations and assaults, at least one person was stabbed, a number of confrontations and assaults were documented on social media, and protestors vandalized or destroyed signs proclaiming "Black Lives Matter" on private property, including at houses of worship.
3. On December 12, 2020, another First Amendment demonstration occurred in Washington, DC to protest the Electoral College votes cast to elect Joe Biden and Kamala Harris as the nation's next President and Vice President. Once again, large numbers of participants failed to abide by District requirements to wear a face mask, maintain social distancing, and self-quarantine when arriving from other states with high rates of COVID-19 transmission. A number of participants again

Government Exhibit
U.S. v. Wren & Smith
21-cr-599 (RBW)

came to Washington, DC with the intent of engaging in physical confrontations. As a result of this violence, more than 30 people were arrested for weapons violations and assaults, at least four people were stabbed, and four churches were victims of hateful actions resulting in the theft and burning of "Black Lives Matter" signs and banners stolen from their private property.

4. On January 5-6, 2021, First Amendment demonstrations were issued permits by the federal government for Freedom Plaza, the Ellipse, the National Mall, and the U.S. Capitol grounds as Congress meets to accept the Electoral College votes cast to elect Joe Biden and Kamala Harris the nation's next President and Vice President, respectively.
5. On the night of January 5, 2020, a number of weapons arrests were made. On January 6, 2021 protests transformed from peaceful to violent. Barricades at the Capitol were stormed and persons have entered the Capitol with the intent of disrupting proceedings. Protestors brought their own stink bombs and deployed them, sprayed pepper spray, and threw bricks, bottles, and bicycle racks at persons, including law enforcement officers. Both Capitol Police and Metropolitan Police Department officers have been injured. Bomb threats have been called in and shots have been fired at the Capitol.
6. Policing experience shows that violence escalates at night, and thus we are in reasonable apprehension that the already-violent crowd will become even more dangerous.
7. The health, safety, and well-being of persons within the District of Columbia are threatened and endangered by the existence of these violent actions and large crowds gathering at night, particularly when they are likely to be in close proximity, without wearing facemasks, and potentially engaged in physical altercations.
8. Moreover, the District is currently under a declared public health state of emergency due to COVID-19; mass gatherings of more than twenty-five (25) persons are currently prohibited in order to reduce the spread of the disease and to protect the public health; and COVID-19 is spreading exponentially around the country. Today, no states are below the high-risk threshold of ten new cases per 100,000 persons, although the District exempts Maryland and Virginia from the travel restrictions applicable to others coming from high-risk states, and the President has called for persons around the country to make a last ditch effort to persuade Congress to overturn the results of the election, his court challenges having failed.
9. On multiple occasions, President Donald Trump has encouraged extremists and conspiracy theorists to come to Washington, DC:
 - a. On December 19, 2020, President Trump tweeted, "Statistically impossible to have lost the 2020 Election. Big protest in D.C. on January

6th. Be there, will be wild!"

- b. On December 26, 2020, President Trump again encouraged extremists and promoted a mass gathering by tweeting, "The 'Justice Department' and the FBI have done nothing about the 2020 Presidential Election Voter Fraud, the biggest SCAM in our nation's history, despite overwhelming evidence. They should be ashamed. History will remember. Never give up. See everyone in D.C. on January 6th."
 - c. On December 27, 2020, President Trump tweeted, "See you in Washington, DC, on January 6th. Don't miss it. Information to follow!"
 - d. On December 30, 2020, President Trump tweeted, "JANUARY SIXTH, SEE YOU IN DC!"
 - e. On January 1, 2021, President Trump tweeted, "The BIG Protest Rally in Washington, D.C., will take place at 11:00 A.M. on January 6th. Locational details to follow. StopTheSteal! [sic]"
 - f. On January 1, 2021, President Trump tweeted, "Massive amounts of evidence will be presented on the 6th. We won, BIG!"
 - g. On January 2, 2021, President Trump tweeted in reference to the January 6 protests, "I will be there. Historic day!"
 - h. On January 5, 2021, President Trump tweeted, "How can you certify an election when the numbers being certified are verifiably WRONG. You will see the real numbers tonight during my speech, but especially on JANUARY 6th... Republicans have pluses & minuses, but one thing is sure, THEY NEVER FORGET!"
- 10. Although more than 21 million Americans have been infected with COVID-19 and more than 358,000 have died from the disease, President Trump has repeatedly amplified extremists' election conspiracies and encouraged supporters to participate in demonstrations that are likely to spread COVID-19.
 - 11. I now must exercise my authority to impose a curfew, in order to protect the safety of persons and property in the District.
 - 12. By this Order, a second public emergency is declared in the District of Columbia, and a curfew is ordered for Wednesday night, January 6, 2021, continuing until the morning of January 7, 2020.

II. MEASURES ORDERED

- 1. A curfew is hereby ordered commencing at 6:00 p.m. on Wednesday, January 6, 2021 and ending at 6:00 a.m. on Thursday, January 7, 2021. The curfew shall

apply citywide.


2. During the hours of the curfew, no person, other than persons designated by the Mayor, shall walk, bike, run, loiter, stand, ride a scooter, or motor by car or other mode of transport upon any street, alley, park, or other public place within the enumerated geographic area described above. Individuals performing essential duties or participating in essential activities as authorized by prior Mayor's Orders, including working media with their outlet-issued credentials and healthcare personnel, are exempt when engaged in essential functions.
3. During this declared second public emergency, no District government law enforcement personnel, including employees of the Metropolitan Police Department or those members of the District of Columbia National Guard activated for the District's response to the COVID-19 public health emergency may deputize any other law enforcement personnel from other local, state, or federal jurisdictions without express authorization by me.

III. ENFORCEMENT


Any person who violates the curfew imposed by this Order may be subject to a criminal fine of up to three-hundred dollars (\$300) or to imprisonment for not more than ten (10) days pursuant to Title 24, Chapter 22 of the District of Columbia Municipal Regulations (24 DCMR § 2203.4).

IV. EFFECTIVE DATE AND DURATION

This Order shall become effective immediately and shall remain in effect until 6:00 a.m. on Thursday, January 7, 2021.


MURIEL BOWSER
MAYOR

ATTEST:


KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA